The long title to Cap.118 which it is proposed to repeal-

An Act of Parliament to make provisions for the registration of industrial undertakings in Kenya and for connected purposes

The definition of "liquor" in section 3 of Cap.121 which it is proposed to amend-

"liquor" means any spirit, wine, ale, beer, porter, cider, perry or hop beer, or any liquor containing more than two per centum by weight of absolute alcohol, or any other liquor which the Minister may, by notice in the Gazette, declare to be liquor for the purpose of this Act, but doe not include traditional liquor as defined in the Traditional Liquor Act, or industrial alcohol;

The Schedule to Cap.121 which it is proposed to replace-

SCHEDULE (s.22)

Licences which may be granted. L. N. 103/1965, 36 of 1966, s.13.

1. Licenses of the several descriptions following may be granted under this Act –

A – General Licenses

General retail liquor licence.

B – OFF-LICENCES

(a) Wholesale liquor licence.
(b) Bottler's liquor licence.
(c) Brewer's depot licence.
(d) Malt and non-spirituous liquor off-licence.
(e) Wine merchant's and grocer's liquor licence.

C-ON-LICENCES

(a) Hotel liquor licence.
(b) Restaurant liquor licence.
(c) Club liquor licences –

(i) proprietary club liquor licence;
(ii) member's club liquor licence.

(d) Canteen liquor licence.
(e) Theatre liquor licence.
(f) Traveller's liquor licence.
(g) Railway restaurant-car liquor licence.
(h) Steamship liquor licence.
(i) Malt and non-spirituous liquor on-licence.
(j) Temporary liquor licence.
(k) Temporary extension liquor licence.

General retail liquor licence.

2. A general retail liquor licence shall authorize the licensee to sell, during such hours as may be prescribed by rules, liquor in any quantity on the premises specified in the licence, for consumption on or off such premises.

Wholesale liquor licence.

3. A wholesale liquor licence shall authorize the licensee to sell at premises the address of which shall be specified therein-

(a) spirituous liquor of one trade description in quantities of not less than five litres whether such liquor is in cask or in sealed bottles;

(b) wine, ale, beer, porter, cider, perry or hop beer of one trade description in cases containing sealed bottles or cans of such a number that the total liquid content thereof is not less than seven litres,

to the holder of a liquor licence for the purposes of resale by such holder.

(2) A wholesale liquor licence may, subject to such additional fees as may be prescribed, be granted so as to apply to more premises than one, and in any such case the addresses of all the premises shall be specified therein.

(3) For the purposes of this paragraph, "premises" means premises of whatever description, other than a bonded warehouse, which are occupied by the licensee and which are in the same licensing area.

Bottler's liquor licence.

4. (1) A bottler's liquor licence shall authorize the licensee, at premises the address of which shall be specified therein, to bottle liquor subject to such conditions as may be prescribed.

(2) Where the holder of a bottler's liquor licence is a brewer, the licence shall, subject to the provisions of subparagraph (3), authorize the licensee to sell the products of his brewery by wholesale, in accordance with the provisions of subparagraph (1) of paragraph 3, at the premises specified in his licence or by delivery therefrom throughout Kenya.

Bottler's depot licence.

(3) Where the licensee referred to in subparagraph (2) occupies any depot, he shall produce a copy of his licence, certified under the hand of the chairman of the issuing court, to the chairman of the licensing court within whose area the depot is situate, and the chairman may, at any time and on payment of the prescribed fee, issue to the licensee a brewer's depot licence, which licence shall authorize the licensee to sell by wholesale, in accordance with subparagraph (1) of paragraph 3, the products of his brewery at or by delivery from such depot, the address of which shall be specified in such licence.

(4) For the purposes of this paragraph, "depot" means premises of whatever description which are occupied by a brewere for the purposes of his trade, not being premises specified in any bottler's liquor licence held by such brewer.

Malt and non-spirituous liquor-licence.

5. (1)A malt and non-spirituous liquor off-licence shall authorize the licensee to sell ale, beer, porter, cider, perry, hop beer and liquor other than spirituous liquor for consumption elsewhere than on the premises specified in such licence in quantities of not less than one bottle or can, securely corked or stoppered, containing a minimum of one-quarter pint, during such hours as are prescribed for business by the Shop Hours Act or by the Mombasa Shop Hours Act, as the case may be, or by any orders made thereunder.

(2) Nothing contained in this paragraph or in paragraph 5 shall be deemed to preclude a licensing court from issuing a malt and non-spirituous liquor off-licence and a malt and non-spirituous liquor on-licence in respect of the same premises.

The merchant's grocer's liquor licence.

6. A wine merchant's and grocer's liquor licence shall authorize the licensee to sell, on the premises therein specified, liquor in quantities of not less than one bottle of whatever size, securely stoppered and sealed, for consumption elsewhere than on such premises, during such hours as are prescribed for business by the Shop Hours Act or by the Mombasa Shop Hours Act, as the case may be, or by any orders made thereunder.

Hotel liquor licence. Cap.495.

7. (1) No hotel liquor licence shall be issued by a licensing court in respect of any premises unless the court is satisfied that there is a valid hotel-keeper's licence issued under the Hotels and Restaurants Act in force in respect of such premises.

(2) If the hotel-keeper's licence in respect of the aforesaid premises should, during the period of validity of the hotel liquor licence, be suspended or cancelled, such hotel liquor licence shall forthwith be suspended or cancelled.

(3) A hotel liquor licence shall authorize the licensee to sell liquor to a lodger on the premises specified therein during such hours as may be prescribed by rules.

Restaurant liquor licence

8. A restaurant liquor licence shall authorize the licensee to sell liquor by retail, during such hours as may be prescribed by rules, to persons taking meals in the restaurant, for consumption with such meals.

Club liquor licence.

9. (1) A club liquor licence may be either -

(a) a proprietary club liquor licence, or
(b) a member's club liquor licence,

and shall authorize the sale of liquor to members of a proprietary or members' club, as the case may be, during such hours as may be prescribed by rules, for consumption on the club premises therein specified.

(2) No premises shall be deemed to be a club of either description wherein persons other than members are charged or permitted to pay for accommodation, meals or liquor.

(3) Every club liquor licence issued or renewed shall be in the name of the proprietor, secretary or manager thereof, as may be appropriate, and no transfer of the licence shall become necessary upon any change of the proprietor, secretary or manager, and he successor to such proprietor, secretary or manager shall be entitled to the privileges granted by such licence and shall be subject to the duties and liabilities imposed thereby:

Provided that, in the case of proprietary club, any change of proprietor, secretary or manager shall be notified to the licensing court and the Commissioner of Police within fourteen days of the change.

Canteen liquor licence.

10. (1) A canteen liquor licence shall authorize the licensee to sell liquor by retail on the premises on such days as are specified therein and during such hours as may be prescribed by rules, and subject to such conditions as the Minister may impose, to members of the Armed Forces of Kenya, the Kenya Police Force, the Kenya Prisons Service or the Administration Police Force, or of any other organization approved by the Minister.

(2) Any person desiring to obtain or renew a canteen liquor licence shall submit to the licensing court, together with his application, the written recommendation of the officer commanding the unit or force concerned and his certificate of the number of members of the unit or force to be served or likely to be served in the canteen.

Theatre liquor licence

(1) a theatre liquor licence shall authorize the licensee to sell by retail in any building, a portion of which is used as a place of entertainment, on any day and during such hours as may be prescribed by rules, as the theatre may be open for entertainment or rehearsal, to members of the staff of such building, to members of the audience and to the performers in such entertainment oor bona fide rehearsal thereof, liquor for consumption in the bar only of the premises specified in the liecence.

Traveller's liquor licence.

11. A traveller's liquor licence shall authorize the licensee to sell the liquor by retail at any railway or airport premises specified therein and during such hours as may be prescribed by rules, to persons bonafide traveling by train or air, as the case may be.

(2) Any person desiring to obtain or renew a traveller's liquor licence shall submit to the licensing court, together with his application, the written recommendation of the manager of the said premises in respect of the grant or renewal of such licence.

(3) Nothing in this paragraph contained shall preclude a licensing court from granting a general retail liquor licence or a restaurant liquor licence in respect of premises to which a traveller's liquor licence applies.

Railway restaurant car liquor licence.

12. (1) A railway restaurant car liquor licence shall authorize the licensee to sell, during such hours as may be prescribed by rules, liquor in the train to which the restaurant car specified therein is attached while such car, whether stationary or in motion, is on a journey.

(2) A separate licence, which shall be issued in the name of the Assistant Superintendent, Hotels and Catering, Kenya Railways Corporation, shall be required in respect of every restaurant car.

Steamship liquor licence.

13. (1) a steamship liquor licence shall authorize the licensee to sell liquor on board the steamship specified therein, during such hours as may be prescribed by rules.

(2) For the purposes of this paragraph, "steamship" means any steamship plying on the inland waters of Kenya.

District Commissioners may grant temporary extension liquor licences.

14. (1) Notwithstanding anything to the contrary contained in this Act, the licences the details of which are set forth in paragraphs 17 and 18 may be issued by the District commissioner of the district wherein the licence is to be used.

(2) Applications for such temporary licenses shall be made in accordance with rules made under this Act, and the provisions of sections 8, 11, 18, 19 and 21 shall not apply to such licences.

Temporary liquor licence.

15. (1) A temporary liquor licence shall authorize the licensee, who shall be the holder of a liquor licence, to sell, during the hours prescribed by rules in respect of such licence, such liquor as is specified in his liquor licence at any place of recreation or entertainment or at any other assembly, such place being specified therein and not being the premises specified in the said liquor licence.

(2) Such licence shall, in addition to any other conditions which the District Commissioner may impose, specify therein the name of the licensee, the place for which such licence is granted and the number of days for which the licence is valid, which shall not exceed the period during which the recreation, entertainment or assembly continues, and shall in no case exceed a period of seven days.

(3) The District Commissioner issuing a temporary liquor licence shall give notice of the fact of such issue and particulars thereof to the police officer in charge of the district concerned therewith.

Extensions of liquor licences.

16. (1) A temporary extension liquor licence may be granted to the holder of a general retail liquor licence, a restaurant liquor licence, a malt and non-spiritous liquor on-licence or a canteen liquor licence, and shall authorize the licensee to sell liquor on the premises and on the day specified therin and during such hours as may be prescribed by rules.

(2) (Deleted by 36 of 1966, s. 3.)

(3) The District commissioner issuing such a licence may impose therein such reasonable conditions as to him may seem fit.

(4) No such licence shall be granted to any one licensee on more than three occasions in any period beginning on Sunday and ending on the following Saturday.

(5) No such licence shall be granted in respect of a Good Friday.

The long title to Cap.122 which Act it is proposed to repeal-

An Act of Parliament for the control of the manufacture for sale, and the sale, of intoxicating liquor, other than spirits, of traditional types; for the control of premises upon which such liquor is manufactured or sold; for the imposition of a tax upon the manufacture of such liquor; and for connected purposes.

Section 5 of Cap.215 which is proposed to repeal –

Exploration licences

5. (1) Unless authorised by an exploration licence issued by the Minister, no person shall by means of excavation or surface operations search for a buried monument or buried part of a monument, or for a buried antiquity, whether or not in a protected area.

(2) The Minister shall, before issuing an exploration licence, satisfy himself that the applicant is competent by both training and experience to carry out an exploration or excavation in accordance with the most recent scientific methods, and that the application is recommended by an authority, and may require the applicant to satisfy him that he has the support, financial and otherwise, of an archaeological or scientific society or institution of repute.

(3) There shall be implied on the part of every person to whom an exploration licence is issued under this section an undertaking that he, or the institution which he represents, will, at such intervals or within such period as may be specified by that licence, produce an adequate report or publication on the results of the exploration and excavation, and will deposit with the Minister two copies of the report publication.

(4) An exploration licence may specify, in regard to the acts which it authorises, such limitation and conditions as the Minister may consider necessary in order to protect a monument or antiquity from injury, removal or dispersion, or may authorise removal of finds to a place within Kenya, or temporarily to a place outside Kenya for the purpose only of special examination or preservative treatment, subject to such limitation and conditions as the Minster thinks fit.

Section 6 of Cap. 215 which it is proposed to repeal-

Conditions and form of exploration licence.

6. An exploration licence-

(a) shall be valid for a period not exceeding one year, but may be renewed for a further period or further periods not exceeding one year at a time;

(b) may be revoked at any time if the Minister is of the opinion that the holder thereof has failed to conform with any of his express or implied obligations thereunder;

(c) shall be in the prescribed form;

(d) shall not entitle the holder thereof to enter upon any land without the consent of the owner thereof, otherwise than as provided by section 8.

Section 7 of Cap 215 which it is proposed to amend –

Entry to land under exploration licence.

7(1) For the purposes of an exploration licence, the holder thereof may, under written warrant from the Minister, enter upon any area of land specified in the warrant, whether or not private land, and whether or not a protected area, and exercise there all rights conferred by the exploration licence, for such period and subject to such limitations and conditions as may be stated in the warrant.

(2) Where the holder of an exploration licence intends, pursuant to any warrant under subsection (1), to enter upon private land, he shall give not less than forty-eight hours' notice to the occupier, and if practicable to the owner of the land, and shall, if required by the owner or occupier, give security in such sum and by such means as the Minister may direct for meeting any compensation payable under subsection(3):

Provided that in the case of Trust land –

(i) service on the county council in which the land is vested of a written notice, specifying the exploration licence and the nature and duration of, and the land affected by, the warrant, shall be sufficient notice of all subsequent activities in accordance with the warrant and the exploration licence, both to the county council and to the residents for whom benefits and council holds the land; and

(ii) the rights of those residents to require security shall be exercisable by the country council.

(3) Whenever, in the course of operations carried on by the holder of an exploration licence, disturbance of the rights of the owner of occupier of private land, or damage to the land, or to crops, trees, buildings, stock or works therein or thereon, is caused, he shall be liable

on demand to pay or made to the owner or occupier such compensation as is fair and reasonable having regard to the extent of the disturbance or damage and to the interest of the owner or occupier in the land.

(4) If the holder of an exploration licence fails to pay or make compensation when demanded under subsection (3), or if an owner or occupier is dissatisfied with the amount or nature of any compensation offered to him thereunder, the owner or occupier may, within six months of the date on which the demand or offer is made, but not in any case later than two years after the occurrence of the disturbance or manage, take proceedings before a court of competent jurisdiction for the determination and recovery of the compensation (if any) properly to be paid or made under subsection (3).

(5) In the case of disturbance of the rights of occupiers of Trust land, or damage to any such land -

(a) an occupier who claims to be entitled to compensation under subsection (3) shall, within six months after the occurrence of the disturbance or damage, apply to the district Commissioner of the district in which the land is situated;

(b) the District Commissioner shall notify the holder of the exploration licence of the application and afford him a reasonable opportunity of being heard in relation thereto;

(c) if the District Commissioner is satisfied that the applicant is entitled to compensation, he shall make an award in his favour in accordance with subsection (3);

(d) the District Commissioner shall give notice in writing to the applicant and the holder of the exploration licence of the award or of the rejection of the award;

(e) any such award shall be subject to review by a Magistrate's Court of the first class upon an application by either party filed within thirty days from notification of the award;

(f) a party to an appeal to the Magistrate's Court who is dissatisfied with the decision may, within thirty days of the decision, appeal to the High Court, whose decision shall be final;

(g) a sum payable under an award shall be deposited by the holder of the exploration licence with the District commissioner upon the expiry of thirty days from notification of the ward or from a final appeal decision, as the case may be;

(h) the District commissioner shall be responsible for paying the compensation awarded to the person entitled thereto, and every such payment shall be made in a single payment;

(i) an award made under this subsection shall be enforceable as if it were a decree of a competent court.

Section 8 of Cap. 215 which it is proposed to amend –

Notification of discovery otherwise than under exploration licence.

8.(1) Where a person discovers a monument or object of archaeological or palaeontological interest otherwise than in the course of operations permitted by an exploration licence, he shall, without undue delay, give notice thereof, indicating the precise site and circumstances of the discovery, to an authority, and shall, if so instructed by the authority, deliver the object to the authority.

(2) Every authority shall from time to time, but at lease once in every calendar year, notify the National Museums Board of any discovery of which it has received notice under this section, and the National Museums Board shall maintain a register of all such discoveries.

Section 9 of Cap. 215 which it is proposed to amend –

Restriction on moving objects.

9. No person shall move a monument or object of archaeological or palaentrological interest from the place where it has been discovered otherwise than in such manner and to such place as may be allowed by an exploration licence, or by written permit from the Minister.

Section 46 of Cap. 215 which it is proposed to amend –

Rules

46. The Minister may make rules for carrying out any of the purposes of this Act, and without prejudice the generality of the foregoing for all or any of the following purposes –

(a) prescribing the forms of, and conditions to be implied in, exploration licences and export permits;

(b) controlling access to monuments or to protected areas;

(c) prescribing the fees to be charged for access to monuments or to protected areas;

(d) regulating the management of a protected area;

(e) controlling the reproduction of objects of archaeological or palaeontological interest;

(f) licensing dealers in antiquities;

(g) prescribing the composition, terms of reference and procedure of the Advisory Council;

(h) prescribing penalties for breach of any such rules.

The long title to the Cap.232 which it is proposed to repeal -

An Act of Parliament to regulate shop hours and the employment of shop assistants and journeymen in Mombasa.

Paragraph (b) of subsection (1) of section 135A of Cap. 242 which it is proposed to amend -

(b) for regulating, inspecting, supervising and licensing dairies, milk-shops and cowsheds.

Paragraph (c) of subsection (1) of section 3 of Cap. 247 which it is proposed to delete-

(c) requiring persons concerned either the importation, sale disposal, storage, transportation or use of poisonous substances to be registered or licensed.

Section 163A Cap. 265 Act which it is proposed to amend-

Business permits.

163.(1) A local authority may on receipt of an application under this Act grant a business permit to allow the conduct of a business or trade, including a profession or occupation, within its area.

Provided that in the case of business, trade, profession or occupation regulated by the provisions of any other written law, a person shall, prior to the submission of an application for a business permit pursuant to this subsection, satisfy all the requirements of that other written law.

(2)The fees charged by a local authority for the grant of a business permit under subsection (1) shall be-

(a) in the case of a consolidated permit, an amount equal to the sum of fees due in respect of each of the business activities covered under such permit for which the applicant would otherwise require a separate permit: and

(b) in the case of a single business permit, the amount due in respect of the class of trade or business covered under such permit

(3) Notwithstanding any other provision of this Act or any by-laws made thereunder, a penalty of three percent of any fees or charges payable under this section which remain unpaid beyond the period prescribed for such payment shall be payable by the licencee for every month or part thereof during which such fees or charges remain unpaid.

(4) A local authority shall issue such type of business permit, either single or consolidated, as it deems appropriate for the conduct of business within its area, but shall not issue both types of business permit for such area.

(5) Notwithstanding subsection (1), a local authority shall not refuse to grant or renew a business permit unless-

(a) the applicant has not supplied all the information required for such grant or renewal: or

(b) the applicant has not paid the required business permit fee or any other fees or charges due to the local authority at the time of the application.

(6) A local authority may cancel a business permit where, upon receipt of a written report from an inspector appointed under this Act or any other written law, it finds that the business or trade to which it relates endangers the health or safety of the persons residing in the neighbourhood.

The long title to Cap. 274 which it is proposed to repeal -

An Act of Parliament to provide for the imposition and collection of a services charge by local authorities and for connected purposes.

Section 11 of Cap 29) which it is proposed to delete-

18. (1) No person shall act as an a licensed auctioneer to levy distress for rent unless he is authorized to act as a bailiff by a certificate in writing to that effect, and that certificate, may be general or apply to a particular distress or distresses, and may be granted at any time in such manner as may be prescribed by rules under this Act.

(2) The Registrar, a deputy registrar or a district registrar of the High Court may grant certificates in cases in which they may be authorized to do so by rules made under the Act

(3) If any person not holding a certificate under this section levies a distress contrary to the provisions of this section, the person so levying shall be guilty of an offence and liable to a fine not exceeding two hundred shillings or to imprisonment for a term not exceeding three months, in addition to any other liability which he may have incurred by his proceedings.

(4) Any person who authorizes a person not holding a certificate under this section to levy a distress contrary to the provisions of this Act shall be guilty of an offence and liable to a fine not exceeding two hundred shillings in addition to any other liability which he may have incurred by his proceedings.

(5) A certificate granted to a bailiff under this section may at any time be cancelled or declared void by a judge.

Third Schedule to Cap 293 which it is proposed to delete-

THIRD SCHEDULE
Court fees

		Sh.	cts.
1.	On an application for a general certificate	10	00
2.	On an application for a special certificate	10	00
3.	On an application for renewal of a general certificate	5	00
4.	For approving of security by bond or guarantee	10	00
5.	For receiving deposit in lieu of bond	5	00

Subsection (2) of section 12 of Cap.306 which it is proposed to amend-

2. No person shall export any minerals obtained, whether by him or by any other person, in the course of prospecting or mining operations, except under the authority of a written export permit issued by the Commissioner; and the Commissioner may refuse to issue such a permit in respect of any minerals liable to royalty except upon prior payment of such royalty and ins such other cases as may be prescribed.

Section 22 of Cap. 310 which it is proposed to delete-

Registration on trading within diamond areas. L.N.342/1956, L.N.172/1960

6. Except with the consent of the Minister and in accordance with such conditions as the Minister may impose or as may be prescribed, no person shall-

(a) Within any diamond area (other than any part thereof within the boundaries of an exclusive prospecting licence) conduct any trade or business, other than mining, in respect of which a licence or permit is required under any Act for the time being in force;

Provided that this prohibition shall not extend to any trade or business which is conducted on premises lawfully used for the purpose of banking or in respect of which a licence or permit to conduct such business was issued before the commencement of this Act, or before the date when the land on which such premises are situated became a diamond area and during the continuance of the title of the holder of such licence or permit to the land on which such premises are situated; or

(b) Whilst holding a diamond dealer's licence or a licence or permit to carry on any trade or business other than that of banking, hold or be eligible to become the holder of any right, licence, location or lease registered or granted for the purpose of prospecting or mining for diamonds.

Definitions in section 2 of Cap. 328 which it is proposed to delete-

"canning factories licence" means a valid licence granted under section 20;

"grower's licence" means a valid licence issued under section 10;

Section 7 of Cap. 328 which it is proposed to amend-

Functions and powers of Board.

7. (1) It shall be the duty of the Board in the exercise of its powers and in the performance of its functions to act in such manner as appears in to it best calculated to promote the schedule crops canning industry.

(1A) I n the exercise of its powers and in the performance of its functions under this Act, the Board shall act in accordance with any general of or special direction given to it by the Minister.

(2) Subject to the provisions of this Act, the functions and powers of the Board shall include the carrying out of all activities and the doing of all such things as are necessary, advantageous, proper or for the benefit of growers of scheduled crops for sale for canning purposes and for the benefit of the scheduled crops canning industry and, in particular, shall include –

(a) the licensing of proprietors, lessees or occupiers of land upon which scheduled crops are grown or cultivated for canning purposes;

(b) the licensing and inspection of canning factories;

(c) the promotion and undertaking of technical and scientific research or investigation into all matters relating to any scheduled crop or the scheduled crops canning industry; and

(d) subject to the provisions of subsection (3), the fixing, from time to time, of the price to be paid for any scheduled crop or variety thereof or any grade of any scheduled crop or variety thereof sold for canning purposes.

(3) No price shall be fixed by the Board under paragraph(d) of subsection (2) for any scheduled crop or variety thereof or any grade of any scheduled crop or variety thereof except-

(a) after consultation with the consultative committee appointed for that crop, and

(b) with the approval of the Minister, which approval shall be notified in the Gazette.

and every price fixed as aforesaid shall take effect as from such date as may be specified in the notice.

(4) In the exercise of its powers and in the performance of its functions the Board may refer any matter concerning any scheduled crop to the consultative committee appointed for such crop, for the consideration and recommendation of such committee thereon; and the Board shall receive and consider any recommendation advanced by any consultative committee appointed under this Act, but shall not be bound by such recommendation

Subsection (1) of section 8 of Cap. 328 which it is proposed to amend-

Control of growing and cultivation of scheduled crops.

8. (1) No person shall grow or cultivate any scheduled crop for sale for canning purposes unless the proprietor, lessee or occupier of the land upon which that scheduled crop is grown or cultivated is the holder of a grower's licence relating to that scheduled crop.

(2) Where a scheduled crop is grown or cultivated for sale for canning purposes in contravention of the provisions of subsection (1), each of the proprietors, lessees and occupiers of the land upon which the scheduled crop is gown, and, where the person who grows or cultivates such crop is not a proprietor, lessee or occupier, that person also, shall be guilty of an offence:

Provided that it shall be a defense for a person charged only by reason of his being a proprietor, lessee or occupier of the land to show that the offence was committed without his knowledge.

Section 9 of Cap. 328 which it is proposed to delete-

Application for grower's license.

9. Any proprietor, lessee or occupier of land desiring to obtain a grower's licence shall apply therefor on the prescribed form to the Board.

Section 10 of Cap. 328 which it is proposed to delete-

Licensing of

10. (1) Upon receipt of an application for a grower's licence the

scheduled crops growers.

Board may grant or refuse to grant such application, or grant such application in respect of one or more varieties of the scheduled crop specified in the application, or grant such application subject to such other alterations, as the Board may think fit.

(2) Where the Board grants an application, with or without alteration, it shall refer the matter to the Director of Agriculture who may-

(a) approve the decision of the Board in respect of such application, or

(b) refuse to approve such decision, or

(c) refer the matter back to the Board for reconsideration of their decision.

(3) Where in the first instance or on reconsideration the Board grants an application, with or without alteration. and the Director of Agriculture approves the decision of the Board thereon the Board shall issue to the applicant a grower's licence upon receipt of such fee as may be prescribed.

Section 11 of Cap. 328 which it is proposed to delete-

Forms of grower's licence

11. (1) Every grower's licence shall be signed both by the Board or an officer thereof authorized by the Board and by the Director of Agriculture and shall be in the prescribed form.

(2) Every grower's licence shall be subject to such conditions as may be prescribed and shall specify-

(a) the location of the land to which it relates;

(b) the proprietor, lessee or occupier of the land to which it relates;

(c) the scheduled crop or the variety or varieties of the scheduled crop to which it relates;

(d) the quantity of such scheduled crop or of the variety or varieties thereof that may be sold for canning purposes thereunder;

(e) the canning factory or factories authorized to purchase such licensed scheduled crop; and

(f) such other particulars as the Board may require.

(3) Where the proprietor, lessee or occupier of land is a partnership,

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or is a company registered under the Companies Cap. 486. Act, the grower's licence shall be issued in the name of the partnership or the company, as the case may be.

(4) A grower's licence may be issued in the name of an association or co-operative society, in which case those members of such association or co-operative society who are proprietors, lessees or occupiers of land and who are specified in such grower's licence shall be deemed to be licensed to grow and cultivate the scheduled crop or the variety or varieties of the scheduled crop specified in that licence; and every such licence shall contain details of the extent to which the scheduled crop, or any variety or varieties of the scheduled crop specified therein, shall be permitted to be grown by each member specified in such licence.

(5) Every grower's licence shall, unless sooner cancelled under this Act, be valid for such period as may be prescribed; but may, from time to time within that period, be modified by the Board in respect of any of the matters mentioned in subsection (2).

(6) A copy of every grower's licence shall be sent by the Board to the operator of every canning factory specified in the licence.

Section 12 of Cap. 328 which it is proposed to delete-

Transfer of growers licence.

12. (1) No grower's licence shall be transferred except with the consent in writing of the Board, but such consent shall not be unreasonably withheld.

(2) Subject to the consent required by subsection (1), the Board shall, upon application by the holder of a grower's licence and on payment of such fee as may be prescribed, by written endorsement on such licence, transfer the licence to any other person.

(3) Every such transfer shall be notified by the Board to the operator of every canning factory specified in the grower's licence so transferred.

Section 13 of Cap. 328 which it is proposed to delete-

Cancellation of grower's licence.

13. (1) The Board may, upon conviction of the holder of a grower's licence for an offence under this Act, cancel the licence, but without prejudice to the issue of a new grower's licence to the same person.

(2) The cancellation of a grower's licence shall be notified by the Board to the operator of every canning factory specified in the licence so cancelled.

Section 14 of Cap. 328 which it is proposed to delete-

Appeals.

14. (1) Any decision of the Board and of the Director of Agriculture in respect of an application for a grower's licence, or in respect of modification of a grower's licence, shall, within twenty-one days thereof, be notified by the Board to the applicant or to the licensee, as the case may be, who may, within thirty days of notification, appeal to the Minister against such decision.

(2) The Minister's decision on any such appeal shall forthwith be notified to the Board, to the Director of Agriculture and to the person appealing; and the Board and Director of Agriculture shall take such steps as are necessary to give effect to such decision.

(3) The Minister's decision on any appeal under this section shall be final.

(4) Any person appealing to the Minister under this section shall forward two copies of such appeal to the Board.

Section 15 of Cap. 328 which it is proposed to amend-

Inspection of land and buildings

15. (1) It shall be lawful for any officer of the Department of Agriculture, of, where no such officer is available for the purpose, any person authorized in writing by the Board so to do on production of such written authority, to enter and inspect at all reasonable times any land specified in any grower's licence or on which he has reason to believe any scheduled crop has been, or is, or is about to be, grown or cultivated for sale for canning purposes, or any building in which he has reason to believe any scheduled crop has been, or is, stored prior to being sold for canning purposes.

(2) The proprietor, lessee or occupier of such land 'or building shall give all reasonable facilities and information to such officer or authorized person.

(3) Any person who obstructs or hinders any person in the exercise of his powers under this section shall be guilty of an offence.

Section 16 of Cap. 328 which it is proposed to amend-

Control of selling of scheduled crops,

16. (1) No person shall, without the prior consent in writing of the Board-

(a) sell, for canning purposes, to the operator of any canning factory any unlicensed scheduled crop;

(b) sell, for canning purposes, any licensed scheduled crop to the operator of a canning factory not specified in the grower's license relating to that crop; or

(c) sell, for canning purposes, to the operator of any canning factory any licensed scheduled crop which was not grown on the land specified in the grower's license relating to that crop

(2) Where a scheduled crop is sold for canning purposes in contravention of any of the provisions of subsection (1), each of the proprietors, lessees and occupiers of the land upon which that scheduled crop was grown, and, where the person who sells such crop is not a proprietor, lessee or occupier. That person also. shall be guilty of an offence:

Provided that-

(i) it shall be a defence to a person charged only by reason of his being a proprietor, lessee or occupier of the land to show that the offence was committed without his knowledge or, where the offence charged is in respect of the contravention of paragraph (a*)* 'or paragraph (b) of subsection (1), that the scheduled crop was not sold on his behalf to such operator;

(ii) where the offence charged is in respect of the contravention of paragraph (c) of subsection (1) and the person who sells such crop is not the grower thereof, nor a proprietor, lessee or occupier of the land upon which it was grown, it shall be a defence for him to show that the grower there of or a proprietor. lessee or occupier of the land made and signed a declaration on such form as may be prescribed that such crop was grown on the land specified in the grower's licence relating thereto and in accordance with the conditions of such licence.

(3) Any person who knowingly signs a declaration, made under the provisions of the proviso to subsection (2), which is untrue in any material particular, shall be guilty of an offence against this Act.

Section 17 of Cap. 328 which it is proposed to amend-

Control of purchasing of scheduled crops.

17. It shall be an offence for the operator of any canning factory, without the prior consent in writing of the Board

(a) to purchase for canning or can any unlicensed scheduled crop for the purpose of sale;

(b) to purchase for canning or can any licensed scheduled crop for the purpose of sale in excess of the quantity specified in the grower's licence relating thereto;

(c) not being the canning factory specified in the grower's licence relating to a scheduled crop, to purchase such scheduled crop for canning, or to can such crop, for the purpose of sale; or

(d) being the canning factory specified in a grower's licence relating to a licensed scheduled crop which fulfils such requirements as to quality as may be prescribed, to refuse to purchase according to the grade thereof, up to the maximum quantity specified in that grower's licence, such licensed scheduled crop.

Section 19 of the Canning Crops Act Cap. 328 which it is proposed to delete-

Canning factories to be licenced

19. (1) No person shall operate a canning factory unless a canning factories licence, issued by the Board under this Act, is obtained in respect of that factory

(2) Any person who operates a canning factory in contravention of subsection (1) shall be guilty of an offence.

Section 20 of Cap. 328 which it is proposed to delete-

Canning factories licence.

20. (1) An application for a canning factories licence shall be made in writing to the Board in the prescribed form, specifying the location of the canning factory and the scheduled crop or crops which, it is intended, will be canned thereat for the purpose of sale and such other particulars as the Board may require.

(2) Upon receipt of an application the Board may, in its discretion, refuse to grant a canning factories licence or, on payment of such fee as may be prescribed, grant a canning factories licence in respect of all or any of the scheduled crops specified in the application.

(3) Any person aggrieved by the decision of the Board under this section may, within thirty days of the notification to him of that decision, appeal to the Minister, whose decision, after consultation with the Minister for the time being responsible for commerce and industry, shall be final.

(4) The Minister's decision on any such appeal shall forthwith be notified to the Board and to the person appealing; and the Board shall take such steps as are necessary to give effect to such decision.

(5) Any person appealing to the Minister under this section shall forward two copies of such appeal to the Board.

(6) Any person who operates a canning factory at which any scheduled crop not specified in the canning factories licence issued in respect of that factory is canned for the purpose of sale shall be guilty of an offence.

Section 21 of Cap. 328 which it is proposed to delete-

Form of canning factories licence.

21. (1) Every canning factories licence shall be in such form and subject to such conditions as may be prescribed and shall specify –

(a) the canning factory to which it relates; and

(b) the scheduled crop or crops which may be canned thereat for the purpose of sale.

(2) Every canning factories licence shall, unless sooner cancelled under this Act, be valid for such period as may be prescribed.

Section 22 of Cap. 328 which it is proposed to delete-

Cancellation of canning factories licences.

22. The Board may, upon conviction of the owner of a licensed canning factory for any offence under this Act, cancel the canning factories licence relating to that factory but without prejudice to the issue of a new canning factories licence in respect of the same factory.

Section 23 Cap. 328 which it is proposed to delete-

Change of ownership of licensed canning factories.

23. Every change in ownership of a licensed canning factory shall be notified to the Board within thirty days thereafter by or on behalf of the previous owner thereof, who, in the event of non-compliance with the provisions of this section, shall be guilty of an offence.

Section 24 of Cap. 328 which it is proposed to amend-

Inspection of canning factories.

24. (1) It shall be lawful for any person authorized in writing by the Board so to do either generally or in any specific case, on production of such written authority, to enter and inspect at all reasonable times any licensed canning factory or any structure or building in respect of which such person has reason to believe that any scheduled crop has or is being

canned thereat for the purpose of sale; and such person may take such samples of raw or canned produce as he deems necessary, and may seize and detain any plant, machinery or implement which there are reasonable grounds to suppose has been or is being used for the purpose of canning any scheduled crop in contravention of any of the provisions of this Act or any rules made thereunder.

(2) The operator of such canning factory shall give all reasonable facilities and information to such authorized person.

(3) Any person who obstructs or hinders any person in the exercise of his powers under this section shall be guilty of an offence.

Section 27 of t Cap. 328 which it is proposed to amend-

The Scheduled Crops Fund

27. (1) The Board shall establish a fund, to be known as the Scheduled Crops Fund, into which it shall pay-

(a) all fees paid for, and for the transfer of, grower's licences and for canning factories licences;

(b) such sums as the Board may from time to time receive by way of cess imposed under sections 25 and 26;and

(c) such other sums as the Board may from time to time receive under this Act.

(2) The Board may open a banking account or banking accounts with any bank approved by the Minister.

Section 28 of Cap. 328 which it is proposed to amend-

Use of Fund.

28. All moneys comprised in the Scheduled Crops Fund may, in the discretion of the Board, be utilized for or in connexion with the exercise of its powers and the performance and discharge of its functions and duties under this. Act and, in particular-

(a) to subsidize the holders of grower's licences and persons operating licensed canning factories if in the opinion of the Board circumstances require such subsidy;

(b) for the payment of such remuneration and traveling and other expenses to members. officers, agents and employees of the Board as are lawfully payable under this Act;

(c) for the payment of traveling and other expenses of public officers incurred in the carrying out of any extraordinary duties

at the express request of the Board;

(d) for the payment of the expenses of and incidental to the audit of the Board's accounts.

Section 33 of Cap. 328 which it is proposed to amend-

Returns.

33. (1) The Board may, by notice in writing, require the holder of a grower's licence or any person who operates a factory in respect of which a canning factories licence has been granted to render, within a time specified in such notice, to the Board. a return in the prescribed form giving such details as may be prescribed.

(2) Any person who, having been required pursuant to subsection (1) to render a return to the Board, fails so to do within the time specified in the notice requiring such return or who knowingly gives false information on any such return shall be guilty of an offence.

Section 34 of Cap. 328 which it is proposed to amend-

Rules.

34. The Board may, with the approval of the Minister, make rules generally for the better carrying out of the purposes and provisions of this Act and, in particular, may make rules for any of the following purposes-

(a) prescribing the standard grades for, and the method. of and procedure for the grading of, and the conditions to be fulfilled in respect of the grading of, any licensed scheduled crop intended to be canned for the purpose of sale or any canned scheduled crop intended for sale;

(b) providing for the inspection, weighing and measuring of any licensed scheduled crop;

(c) prescribing the services which the Board may render to growers or canners of licensed scheduled crops and the charges to be made therefor;

(d) regulating the manner of delivery of any scheduled crop or variety of any scheduled crop to the canning factory;

(e) regulating and controlling the processing and canning, for sale, of any scheduled crop or variety of any scheduled crop;

(f) providing for the cancellation by the Board of grower's licences or canning factories licences for failure to comply with any of the provisions of any rules made under this Act or any condition of such licences, without prejudice,

however, to the issue of a new licence:

Provided that any such rules shall contain provision for appeal to the Minister within such time as may be specified against any such cancellation;

(g) prescribing the procedure for appeals made to the Minister under this Act or any rules made. thereunder;

(h) prescribing anything which may be prescribed under this Act;

(i) prescribing penalties which may be imposed by the court for contravention of any rule made under this section, but no such penalties shall exceed the penalties provided by section 35.

Section 8 of Cap.331 which it is proposed to repeal-

Dealer to be licensed.

8.(1) Subject to subsection (2), no person shall buy and sell or otherwise deal in coconuts or the produce thereof (whether on his own account or as agent or servant of another) unless he is licenced in that behalf by the District Commissioner of the district in which his business is situated.

(2) The owner or person in charge of a coconut plantation may sell coconuts or the produce thereof or any other products or the coconut palm other than palm wine without a licence, and any person may without a licence buy coconuts or the produce thereof for his own use, but not for sale or barter.

(3) A person who contravenes the provisions of subsection (1) shall be guilty of an offence.

Section 9 of Cap.331 which it is proposed to repeal-

Provisions concerning licences.

9. A licence granted under section 8 shall define the concerning exact situation of the premises thereby licensed to be used, and not more than one place of business shall be specified therein.

Section 10 of Cap.331 which it is proposed to repeal-

Fee for dealer's licence.

10. (1) The fee for a dealer's licence shall be five shillings per annum; but if a licence is taken out on or after the 1st July of any year the sum of two shillings fifty cents only shall be payable.

(2) Every licence granted under this section shall expire on the 31st December.

Section 11 of Cap.331 which it is proposed to repeal-

Power to refuse, suspend or cancel licence.

11. A District Commissioner may refuse a dealer's licence without giving any reason, and may also suspend or cancel a dealer's licence granted.

Section 12 of Cap.331 which it is proposed to amend-

Penalties

12. A person who commits an offence under this Act shall, where other provision is not made, be liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding one thousand shillings, or to both, and to forfeiture of any licence issued under this Act.

Definitions of "licence" and "licence holder" in Section 2 of Cap.335 which it is proposed to delete

licence" means a licence granted under section 32 (1);

"licence holder" means a person holding in licence;

Section 24 of Cap. 335 which it is proposed to delete-

Cotton Licensing Advisory Committee.

24.(1) There shall be established the Cotton Licensing Advisory Committee with the function of advising the Board on the grant of licences under section 26.

(2) The Advisory Committee shall consist of -

(a) a chairman appointed by the Board;

(b) the Permanent Secretary of the Ministry for the time being responsible for Agriculture;

(c) the Permanent Secretary of the Ministry for the time being responsible for Co-operative Development;

(d) the Commissioner for Co-operative Development;

(e) three other Board members who are not licence holders under this Act, appointed by the Board;

(f) the Director of Agriculture;

(g) the managing director.

(3) Four members of the Advisory Committee shall form a quorum.

(4) Members of the Advisory Committee shall be appointed annually.

Section 25 of Cap.335 which it is proposed to delete -

Application for a licence.

25. (1) An application for the grant, renewal or variation of-

(a) a ginner's licence;
(b) a cotton dealer's licence; or
(c) a cotton export/import agent's licence,

(2) An application shall provide such information as the Board may require.

(3) The prescribed fee shall be payable with an application but shall be refunded to the applicant if the licence, renewal or variation is refused.

Section 26 of Cap.335 which it is proposed to delete-

Grant of a licence

26. (1) Before granting, renewing or varying, or refusing to grant, renew or vary, a licence under this section the Board shall consult the Advisory Committee.

(2) The Board shall not grant a licence under this section unless it considers that the applicant is a fit and proper person to hold that licence, but otherwise the Board may in its discretion grant or refuse to grant a licence or a renewal or variation of a licence.

(3) A licence shall be in the prescribed form and shall specify the premises on or from which the activity licensed may be carried out.

(4)Unless previously varied, revoked or surrendered a licence is valid for a period of one year from the date of issue and may be renewed for a further period of one year with effect from the date on which it expires.

(5) A licence is not transferable except with the prior written consent of the Board endorsed on the licence.

Section 27 of Cap.335 which it is proposed to delete –

Grant of a licence.

27(1) A licence issued under this Act shall be subject to such conditions as the Board may determine and as are specified in the licence and to any conditions which may be prescribed.

(2) The Board may at any time during the validity of a licence –

(a) an offence under this Act, or in respect of the licensed activity under any other written law, has been committed by the licence holder or any employee of the licence holder; or

(b) a condition of the licence has been contravened or not complied with.

Section 28 of Cap.335 which it is proposed to repeal –

Revocation of licence.

28. The Board may revoke a licence if in its opinion-

(a) an offence under this Act, or in respect of the licensed activity under any other written law, has been committed by the licence holder or any employee or the licence holder; or

(b) a condition of the licence has been contravened or not complied with.

Section 29 of Cap.335 which it is proposed to repeal –

Surrender of licence.

29(1) The holder of a licence which is revoked shall immediately surrender it to the Board and is not entitled to a refund of fees.

(2) A licence holder may at any time surrender his licence to the Board and the licence shall cease to have effect but the holder is not entitled to a refund of fees in respect of any unexpired period of the licence.

Section 30 of Cap.335 which it is proposed to repeal-

Appeals.

30(1) An applicant for or holder of a licence who is aggrieved by a decision of the Board on or in respect of-

(a) the grant, refusal, renewal, variation or revocation; or

(b) the conditions imposed on the grant, renewal or variation, of a licence, may appeal to the Agricultural Appeals Tribunal established by Part XV of the Agriculture Act.

(2) An appeal under this section shall be lodged within thirty days of the date on which the appellant first received notice of the decision.

(3) Part XV of the Agriculture Act applies to an appeal under this section as if it were an appeal made to the Agricultural Appeals Tribunal under that Act.

Section 31 of Cap.335 with it is proposed to repeal-

False statements

31.A person who for the purpose of obtaining, whether for himself or for another person, the grant, renewal or variation of a licence-

(a) willfully makes or causes to be made a statement which he knows or has reason to know to be false; or

(b) recklessly makes or causes to be made a statement which is false in a material particular,

shall be guilty of an offence and liable to imprisonment for a term not exceeding two years or to a fine not exceeding twenty thousand shillings or to both.

Paragraphs (o) and (p) of Section 41 of Cap.335 which it is proposed to delete-

(o) prescribing fees for licences granted under this Act;

(p) providing for the exhibition of licenses issued under this Act;

Paragraph(j) of section 19 of Cap 336 which it is proposed to delete-

Power to move Regulations.

19. The Minister may, on the advice of the Board, make regulations generally for the better carrying out of the purposes and provisions of this Act, and without prejudice to the generality of the foregoing, may make regulations with regard to dairy produce-

(j) requiring the registration and licensing, in such manner and upon payment of such fees as may be prescribed, of distributors and retailers of dairy produce, and of any premises used by them.

Definition in section 2 of Cap 338 which it is proposed to delete-

"licensed miller" means a person licensed under section 20 to convert wheat or maize into flour in a licensed mill.

Section 18 of Cap 338 which it is proposed to amend-

Control of importation and exportation of maize, etc

18. (1) The Board may import or authorize the importation of such quantities of maize, wheat or scheduled agriculture produce as the minister may from time to time direct.

(2) The Board may with the authority of the Minister. export or authorize the exportation of maize, what or scheduled agricultural produce in such quantities as it deems to be surplus to the requirements of Kenya

(3) No maize, wheat or scheduled agricultural produce shall be imported into exported from Kenya otherwise than through a customs port of entry.

(4) A person who imports of exports maze, wheat or scheduled agricultural produce-

(a) in contravention of subsection (3); or

(b) without the written authority and in accordance with the direction or decision of the Board.

shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.

Section 19 of Cap 338 which it is proposed to delete-

Registration audit licensing of millers.

19. (1) No person shall carry on the business of a miller unless he is the holder of a miller's licence.

(2) A person who wishes to commence the business of a miler shall, before he acquires a mill or commences to construct or equip any premises as a mill, apply to the board or permission so to do.

(3)A person who wishes to carry on business a as miller of maize, wheat or any scheduled agricultural produce and who has received permission to construct or equip a mill s provided for in subsection 92) shall apply to the board or registration, and the Board shall register that mil subject to such limitations, and conditions as may be prescribed by regulations made under this Act, or as may be specifically imposed by the board on any particular registration.

(4) An application for registration under this section shall be in writing and in such as the Board may prescribe.

Section 20 of Cap 338 which it is proposed to delete-

Licences.

20. A millers license shall-

(a) authorize the holder thereof to mill at nay mill in respect of which he holds a registration certificate the quantity of maize, wheat or any scheduled agricultural produce allocated in respect of that mill or, at the discretion of that miler, the aggregate of the quantities allocated in respect of all or some of the mils for which mill registration certificates have been granted to him;

(b) be in the prescribed from;

(c) become invalid upon the mill to which it relates ceasing to be registered under this act or ceasing to be under the effective

control of the licensed miler.

(d) not be transferable.

Section 21 of Cap 338 which it is proposed to delete-

Expansion of mills.

21. No person shall, except with prior consent in writing of the Board, make an addition to replacement or substitution of, machinery in a registered mill which have the effect of increasing the capacity for production of flour at that mil.

Section 22 of Cap 338 which it is proposed to delete-

Allocation of maize, wheat or scheduled agricultural produce to millers.

22. The allocation of maize, wheat or scheduled agricultural produce by the Board to a licensed miller shall be determined by reference to the mils rated capacity as sated at the time of registration of that mill, and the board may allocate such quantities and any additional quantities depending on the available sully of maize, wheat or scheduled agricultural produce.

Section 23 of Cap 338 which it is proposed to delete-

Duration and renewal of registration.

23. (1) Every registration made under this part shall, unless earlier revoked, remain in force for period of twelve months and may be renewed.

(2) The Board shall renew the registration of a mill unless-

(a) the applicant has been convicted of an offence under this Act or under regulations made thereunder;

(b) the applicant has failed to observe any limitation or condition prescribed under this Act or regulations made thereunder, to which his registration has been made subject;

(c) the Board is satisfied that the business of the applicant is not being conducted in accordance with the provisions of this Act one the Public Health Act, or any regulations or rules made thereunder; or

(d) the applicant has without reasonable cause failed to any in writng for renewal before the expiration of the stipulated period of validity from the date of registration or from the date of last renewal.

(3) The Board may revoke the licence of a miller who has been convinced of an offence under this Act or regulations made thereunder

(4) A person who is not licensed miller who carries on business a as miller of maize, wheat or scheduled agricultural produce, or a licensed miller who contravenes the limitations or conditions to which that licence

is subject, shall be guilty of an offence a liable to a fine not exceeding one thousand shillings.

Paragraphs (a) and (b) of section 30 of Cap 338 which it is proposed to amend-

Power of make regulation etc.

30. (1) The Minister may, after consultation with the Board, make regulations for the better carrying out of the provisions of this Act, and, without prejudice to the generality of the foregoing those regulations may-

(a) provide for the fees to be charged under this Act

(b) provide for the mode of registration of milers and the conditions applicable thereto

Definitions in section 2 of Cap.340 which it is proposed to delete-

"licence" means a licence granted under section 13

"licensed grower" means the holder of a licence

Subsections (2)(a) and (b) of section 6 of Cap.340 which it is proposed to delete-

(2) The functions of the Board shall include-

(a) the determination for each pool year of the quota of pyrethrum flowers which may be produced in Kenya;

(b) the licensing of pyrethrum growers in accordance with the annual quota determined by the Board under paragraph (a)

Section 12 of Cap.340 which it is proposed to amend-

Control of pyrethrum growers.

12 (1) No person shall grow or cultivate pyrethrum upon any land unless the proprietor, lessee or occupier of that land has been issued with or had transferred to him a valid licence.

(2) No person shall wilfully grow or cultivate pyrethrum in excess of the acreage or in excess of the quantity or otherwise than in accordance with the terms and conditions specified in the licence

.

(3) If any provision of subsection (1) or subsection (20 is contravened, each of the proprietors, lessees, and occupiers of the land upon which the pyrethrum is grown , and where the person by whom the provision is contravened is not the proprietor, lessee, or occupier of that land, that person also shall be guilty of an offence.

Provided that it shall be a defence for a person charged only by reason of his being a proprietor, lessee or occupier of land to prove that the offence was committed without his knowledge.

Section 13 of Cap.340 which it is proposed to delete-

Licensing of pyrethrum growers.

13. (1) (a) Any proprietor, lessee or occupier of land desiring to obtain a licence to grow pyrethrum shall apply in writing to the Board

(b) The Board may, in its discretion, grant or refuse such application and in granting it may impose such conditions as in its discretion it thinks fit.

(c) *(Deleted by 5 of 1977, s.10)*

(d) Upon the Board granting such application, and upon payment of the prescribed fee, a licence shall be issued to the applicant.

(c) Every licence issued under this section shall be signed by the Board, or an officer thereto authorized by the Board, and shall be in the prescribed form.

(2) Every licence shall specify-

(a) the location of the land to which it relates;

(b) the proprietor, lessee, or occupier of the land to whom it relates; and

(c) the maximum quantity of pyrethrum which may be grown on that land and delivered to the Board;

and may, in addition, show the maximum acreage of that land upon which pyrethrum may be grown or cultivated.

(3) The Board may at any time vary any term or condition specified in any licence, including the maximum acreage of land upon which pyrethrum may be grown or cultivated, and the maximum quantity of pyrethrum which may be grown or cultivated on that land and delivered to the Board.

Provided that no variation shall be made to reduce such maximum acreage or maximum quantity of pyrethrum without the written concurrence of the licensed grower.

(4)Every licence shall, unless otherwise cancelled, varied or withdrawn, remain valid until the end of the pool year for which it was issued.

(5)(a) Where the proprietor, lessee or occupier of that land is a partnership, the licence shall be issued in the name of the partnership.

(b) Where the proprietor, lessee or occupier of that land is a company registered under the Companies Act, the licence shall be issued in the name of the company.

(c) Where the proprietors, lessees or occupiers of that land are members of an association or cooperative society, the licence shall be issued in the name of the. association or cooperative society.

(6)The Board may upon application in writing by a licensee and on payment by the grower of the prescribed fee, by written endorsement on the licence, transfer it to any other person.

(7)The Board may, upon breach of any term or condition specified in a licence being established to its satisfaction, cancel or withdraw the licence, but without prejudice to the issue of a new licence to the same person upon such terms and conditions as the Board may in its discretion think fit.

Section 14 of Cap.340 which it is proposed to delete-

Deliveries inconsistent with licence.

14. (1) Where in any pool year a licensed grower delivers to the Board a quantity of pyrethrum which exceeds the maximum quantity permitted to be grown in terms of his licence, the Board may , without prejudice to the provisions of subsections (2)and (3) of section 12 , pay to the licensee such price, if any, as it thinks fit in respect of the excess

(2) Where in any pool year a licensed grower delivers to the Board a quantity of pyrethrum which falls short of the maximum quantity permitted to be grown in terms of his licence, the Board may, in calculating the amount payable, for the pyrethrum so delivered, deduct a sum which shall not exceed ten per centum of the final pool price in respect of each kilogramme of pyrethrum flowers by which the quantity delivered falls short of the maximum penalty

(3) For the purposes of subsection (2), "final pool price" means, with reference to any grade of pyrethrum, the amount representing in terms of price the final amount paid for that grade under section 8

Ssection 15 of Cap.34) which it is proposed to delete-

Appeal against refusal of licence or transfer.

15.(1) Where the Board refuses to grant an application for or refuses an application to transfer, a license or refuses any such application in part, the Board shall ,within fourteen days of the refusal, notify the applicant in writing of that refusal or part refusal, and of the reasons therefore.

(2) Any person whose application has been refused, or partly refused, may within thirty days of notification to such effect, appeal in writing to the Agricultural Appeals Tribunal established under Part XV of the Agriculture Act and the provisions of that Part shall mutatis mutandis, apply in relation to every appeal.

(3) The appeals of any persons under this section may by

consent of the individual growers concerned be consolidated and any appeal so consolidated shall in all other respects be treated as if it were an individual appeal.

Section 17 of Cap.340 which it is proposed to amend-

Delivery of pyrethrum and pyrethrum products to the Board.

17.(1) Subject to any rules made under this Act, the Board shall take delivery of all pyrethrum and pyrethrum products which are-

(a) grown, or produced by a licensed grower in accordance with the terms and conditions of a valid licence; and

(b) suitable for the preparation of an insecticide.

(2) All pyrethrum delivered to the Board in accordance with subsection (1) shall upon delivery be deemed to have become the property of the Board.

Section 21 of Cap.340 which it is proposed to amend-

Issue of stock in return for levy paid.

21.(1) The Board shall issue one unit of stock to each licensed grower in respect of every amount of twenty shillings paid to it by way of levy.

Provided that the obligation imposed on the Board by this section shall determine upon the expiry of a period of three years from the end f the pool year during which such levy was paid if during that period it has not proved possible after due inquiry to issue such stock to the licensed grower thereunto entitled.

(2) Stock shillings shall be issued in units each of the value of twenty shillings.

(3) Where the initial payment of levy is less than twenty shillings or where after the issuing of stock to a licensed grower under this section , an amount of less than twenty shillings is left over, then such initial payment or such sum left over, as the case may be, shall be credited towards the next unit of stock to be issued to the licensed grower;

Provided that if any person ceases to be a licensed grower, he shall forfeit all his right and interest in respect of any such initial payment or amount left over, as the case may be.

(4) The stock issued under this section shall not be sold or transferred to any person except with the consent of the Board.

Section 35 of Cap.340 which it is proposed to amend-

Winding-up

35.. (1) The Board may, by notice in writing, require any licensed grower or any secretary, manager, or other officer of a limited company, association or cooperative society to render, within a time to be specified in such notice, to the Board a return in the prescribed form

giving details of all pyrethrum grown or to be grown and the land and acreage used or to be used in the cultivation thereof.

(2) Any person who, having been required pursuant to subsection (1) to render a return to the Board, fails to do so within the time specified in the notice requiring such return shall be guilty of an offence and liable to a fine not exceeding three hundred shillings.

Section 13 of Cap.341 which it is proposed to delete--

13A. (1) Every plantation grower and smallholder grower shall, within one month of beginning to grow sisal, register with the Board, supplying such particulars as may be prescribed.

(2) Every plantation grower and smallholder grower who is registered under this subsection shall, within one month of any change occurring in the particulars supplied by him for registration, notify the Board in writing of the details of such change.

Section 14 of Cap.341 which it is proposed to amend –

14. The Minister, on the advice of the Board, may make rules for any of the following purposes –

(a) requiring the compulsory registration of all sisal plantations and the compulsory registration and compulsory use of plantation markets;

(b) prescribing the persons by whom and the circumstances in which the registration of a plantation mark may be refused;

(c) limiting the number of plantation marks to be used in respect of each registered sisal plantation;

(d) prescribing the fees payable on application for registration of plantations or plantation marks;

(e) prohibiting the use of any plantation mark in respect of a registered sisal plantation other than that registered in respect thereof;

(f) prescribing the manner and the form in which the register of sisal plantations and plantation marks shall be kept;

(g) requiring the submission by prescribed persons of periodical returns of -

(i) areas under sisal cultivation, with such particulars as may be prescribed;

(ii) particulars of the numbers of labourers employed

on registered sisal plantations, and the nature of the work performed by then, classified as follows -

(a) those employed under contracts in writing;

(b) those employed under contracts not in writing, and

(c) those working for contractors, or in such other manner as may be prescribed;

(iii) stocks of sisal fibre on registered sisal plantations and in transit, or in customs or other premises, classified as follows -

(a) those sold for export,

(b) those sold for local consumption, or

(c) those unsold;

(iv) actual production of baled sisal fibre in grades and tons;

(v) particulars of machinery, transportation and other equipment on registered sisal plantation;

(ga) regulating and controlling the use of field decorticators;

(h) prescribing the conditions to be fulfilled in respect of grading conditioning, baling, packing and marking sisal fibre for export;

(i) providing for the inspection, weighing and measuring of sisal fibre for export and for anything to be prescribed under this Part;

(j) prescribing the records to be kept and the forms to be used for the submission of return;

(k) prescribing the services which the Board may render for payment to persons engaged in the production or sale of sisal or sisal fibre, and the fees or other charges to be paid therefor;

(l) providing for superannuation, pension or provident funds for the officers and servants of the Board;

(m) requiring returns to be submitted by plantation growers;

(n) providing for the levying and collection of the cess imposed under section 18;

(o) regulating and controlling the sale of all sisal and sisal fibre, grown or produced in Kenya, through agents of the Board duly licensed under section 7 and for controlling the sale and disposal by such agents of any such sisal or sisal fibre;

(p) prescribing penalties which may be imposed for contravention of any rules made under this section, but no such penalty shall exceed the penalty provided by section 21;

(q) generally for the better carrying into effect of the provisions of this Act.

Section 6 of Cap. 357 which it is proposed to amend-

Certificate

6. Upon the registration of any brand as aforesaid, the registrar shall deliver or transmit to the applicant to whom such brand is allotted a certificate of the e\registration thereof in Form C in the First Schedule to this Act.

Section 17 of Cap. 357 which it is proposed to delete-

Auctioneer's brand.

17.(1) Every broker or auctioneer of stock shall deliver of transmit to the registrar an application in Form E in the First Schedule to this Act accompanied by a fee of ten shillings for the registration of an auctioneer's brand.

(2) The register shall allot to every such applicant and register a brand which shall determine to be the common mark of all auctioneers brands and such one numeral as shall identify the brand of each particular auctioneer or firm of auctioneers

Form E in the First Schedule to Cap. 357 which it is proposed to delete-

FORM E (s.17)

APPLICATION FOR AUCTIONEER'S BRAND

To the Registrar of Brands,

I/We, carrying on business as an auctioneer at…….
enclose herewith the prescribed fee of ten shillings and request you to allot and register an auctioneer's brand to be used by me/us in the course of my/our business as auctioneer of stock. I/We request that the letter……may form part of our brand.

Signed……..
Applicant(s)

Definitions in section 2 of Cap.359 which it is proposed to amend or delete-

"exporter" means a person authorized under this act to export hides or skins or leather of hides and skins or hides skins and leather;

"exporter's licence" means issued under section 9;

"importer" means a person authorized under this Act to import hides or skins or leather or hides and skins or hides, skins and leather;

"licensing officer" means a person authorized by the director to issue a buyer's licence under this Act.

Section 3 of Cap 359 which it is proposed to delete-

Restriction on the purchase of hides, skins, etc.

3. No person shall, whether on his own account or on behalf of any person, buy any hide, skin or leather for the purpose of resale, tanning, retanning or finishing or for manufacturing of leather goods in Kenya or for export, unless he is in possession of a buyer's licence in the prescribed form issued to him by a licensing officer**.**

Section 4 of Cap 359 which it is proposed to delete-

Buyer's licence.

4.(1) A person who wishes to obtain or renew a buyer's licence shall apply, in the prescribed manner, to the licensing officer of the area in which he intends to buy hides, skins or leather.

(2) The licensing officer may, upon receiving an application under this section if he is satisfied that the applicant possesses sufficient knowledge of the hide, skin and leather trade and is capable of complying with the prescribed conditions, issue to the applicant a buyer's licence or a renewal thereof, upon payment of the prescribed fee**.**

(3) Every buyer's licence shall specify the premises to which it relates

(4) A buyer's licence shall, unless previously cancelled or suspended under section 6, remain in force until the 31st December of the year in respect of which it is issued.

Section 5 of Cap 359 which it is proposed to delete-

Conditions attached to a buyer's licence.

5.In addition to any conditions which may be prescribed under section 20, it shall be a condition of every buyer's licence that the licensee shall –

(a) keep the hides, skins or leather purchased by him free from damage;

(b) buy and sell each hide by grade as well as by weight;

(c) buy and sell each skin by grade as well as by piece;

(d) buy and sell leather by grade as well as by weight of area depending on the tannage and type of leather;

(e) carry out the grading of the hides, skins and leather at the time of purchase to the satisfaction of an inspector; and

(f) keep proper books in English and Kiswahili in the manner prescribed.

Section 6 of Cap 359 which it is proposed to delete-

Cancellation or suspension of buyer's licence

6(1) A licensing officer may cancel or suspend a buyer's licence for such period as he deems fit, he is satisfied that the holder-

(a) has been convicted of an offence under this Act or under any rules made thereunder; or

(b) has committed a breach of any of the conditions subject to which his licence was issued; or

(c) has been convicted of an offence involving fraud or dishonesty; or

(d) is an undischarged bankrupt.

(2) When a person is notified that his buyer's licence has been cancelled or suspended, he shall forthwith surrender the licence to the licensing officer of the are in which it was issued, and if that person fails without lawful excuse to surrender the licence he shall be guilty of an offence.

Section 8 of Cap 359 which it is proposed to delete-

Export and import under a licence.

8. No person shall export or import any hide, skin or leather unless he is in possession of a valid exporter's licence or importer's licence in the prescribed form issued to him by the Director.

Section 9 of Cap 359 which it is proposed to delete-

Exporter's and importer's licence

9.(1) A person who wishes to obtain or renew an exporter's or importer's licence shall apply to the Director in the prescribed manner; and on payment of the prescribed fee the Director may issue to the applicant an exporter's or importer's licence as the case may be or a renewal thereof.

(2) Every exporter's or importer's licence shall specify the premises in respect of which it is issued.

(3) The Director may refuse to issue an exporter's or importer's

licence if-

(a) in his opinion, the applicant has insufficient resources, or inadequate facilitates, or he or the staff employed by him lack the technical knowledge, to enable him to engage in trading in hides, skins and leather for export or import in the manner required by this Act or by any rules made thereunder; or

(b) the premises in which the applicant proposes to carry on his business do not conform with the requirements of any written law; or

(c) the applicant has, within the five years immediately preceding the date of his application, been convicted of an offence under this Act (or under any rules made thereunder; or

(c) the applicant has, within the five years immediately preceding the date of his application, been convicted of an offence involving dishonesty or fraud or is an undischarged bankrupt..

(4) For the purposes of paragraphs (c) and (d) of sub-section (3) "applicant" includes, in the case of a corporation or firm, a director or partner of the corporation or firm.

(5) An exporter's or importer's licence shall, unless previously cancelled or suspended under the provisions of section 11, remain in force until the 31st December of the year in which it is issued.

Section 10 of Cap.359 which it is proposed to amend-

10. In addition to any conditions which may be prescribed under this act, it shall be a condition of every exporter's or importer's licence that the license shall-

(a) equip and maintain his premises to the satisfaction of the director;

(b)carry out the grading of the his, skins and leather to the satisfaction of the directors; and

(c) keep proper books in English or Kiswahili in the manner prescribed.

Section 11 of Cap 359 which it is proposed to delete-

Cancellation or suspension of exporter's or importer's

11. The Director may cancel or suspend an exporter's or importer's licence for a period he deems fit if he is satisfied that the holder-

licence

(a) has failed to remit to Kenya foreign exchange realized on the sale of hide, skin or leather and to pay prices which are reasonably related to the price currently payable in Kenya;

(b) has been convicted of an offence under this Act or under any rules made thereunder; or

(c) has committed a breach of any of the conditions subject to which his licence was issued; or

Section 14 of Cap 359 which it is proposed to replace-

Appeals.

14. (1) A person who is aggrieved by the decision of a licensing officer given under section 4 or section 6, or of an inspector, given under section 12, in writing, require the licensing officer or inspector, as the case may be, to supply him, in writing with the reasons for his decision, and that person may, within fourteen days after the date upon which he receives the reasons, appeal in the prescribed manner to the Director.

(2) A person who is aggrieved by the decision of the Director given under section 9 or section 11, or under sub-section (1) of this section, may, in writing, require the Director to supply him in writing, with the reasons for his decision, and that person may, within twenty-eight days after date upon which he receives the reasons appeal in the prescribed manner to the Minister, whose decision shall be final.

Section 16 of Cap. 359 which it is proposed to delete-

Separate licence for each premises.

16.A separate buyer's, exporter's or importer's licence shall be required in respect of each premises owned or occupied by a licensee**.**

Section 18 of Cap. 359 which it is proposed to replace-

Storage on licences premises.

18. No holder of a buyer's licence or exporter's licence or importer's licence shall store any hides, skins or leather except in the premises to which the licence relates

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Section 19 of Cap.359 which it is proposed to amend-

Offences.

19. (1) No person shall sell or offer for sale and no holder of a buyer's licence or experts or importers license shall be in possession of, purchase, sell or offer for sale, any green or dried hide which is smeared with blood, dung or any foreign substance.

(2) A person who-

(a) for the purpose of sale, treats any hide or skin with any

substance which is not specified by the director by notice in the Gazette;

(b) treats or prepares a sun-dried hide or skin with the object o selling it as a shade or suspension-dried hide or skin;

(c) without the permission of an inspector, prepares, treats or cures any raw or skin with the object of selling it as leather o soaks, immerses or in other way applies liquid to any hide or skin which ahs been partially or wholly dried;

(d) without the consent of the /directors, or for an inspector authorized for the purpose by the directors, removes, alters or defaces any mark or label made on or attached to a hide, skin or leather in pursuance of this act or of any rules made thereunder;

(e) makes a statement which is to his knowledge untrue in an application for any license required under this Act or under nay rules made hereunder;

(f) contravenes any of the provisions of this Act or of any rule made, or of any lawful order issued, hereunder;

(g) contravenes any of the conditions of a license issued to him under this Act; or

(h) instructs an inspector, or any the authorized person, in the exercise or his powers and duties under this act or under any rules made there under,

shall be guilty of an offence.

(3) Nothing contained in paragraphs (a), (c) and (d) of subsection (2) shall apply to hides used for making thongs for securing domestic animals or for other domestic purposes.

(4) Any person who is guilty of an offence under this Act or under any rules made there under shall be liable to fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.

Section 20 of Cap. 359 which it is proposed to amend-

Rules.

20. The Minister may make rules generally for the purposes of improving the quality of hides, skins, leather and leather goods produced, prepared or sold in, or exported from Kenya, and without prejudice to the generality of the foregoing, for all or any of the following purposes-

(a) prescribing the method and forms of application for, the conditions to be attached to, and the fee to be paid for a licence or certificate to be issued under this Act

Definition of "Scheduled undertaking" in section 2 of Cap. 363 which it is proposed to delete -

"Schedule undertaking" means any abattoir, meat works, cold storage concern or refrigerating works existing at the commencement of this Act to which section 8(1)(a) applies, and which is at the commencement of this Act specified ii the Schedule or is thereafter added to such Schedule under section 19(5);

Section 8 of Cap. 363 which it is proposed to repeal -

8. Commission to have certain exclusive rights.

(1) Subject to this Act, no person, other than the Commission, shall -

(a) erect, establish or operate any abattoir, meat works, cold storage concern or refrigerating works for the purpose of slaughtering cattle and smallstock, processing by-products thereof and chilling, freezing, canning or storing beef, mutton or other meat foods (excluding poultry), either for export or for consumption within Kenya, exempt under and in accordance with a licence which may be granted by the Minister, after consultation with the Commission, subject to such terms and conditions as the Minister may impose:

Provided that nothing in this section shall apply to any storage concern or refrigerating works having a capacity of less than five thousand cubic feet;

(b) export or supply to ships in the port of Mombasa fresh, chilled, frozen or canned beef, mutton or other meat foods (excluding poultry) except under and in accordance with a licence granted by the Commission subject to such terms and conditions as the Commission may impose.

(2) Nothing in this section shall preclude any person who immediately before the commencement of this Act was carrying on any trade or business mentioned in this section form continuing to carry on such trade or business:

Provided that no such trade or business shall be expanded beyond the capacity of the plant and machinery used in connection with such trade or business immediately before the commencement of this Act except under and in accordance with a licence granted by the Minister after consultation with the Commission, and such licence may be subject to such terms and conditions as the Minister may think fit to impose.

(3) Exempt as provided in section 19, no person shall be entitled to compensation or damages by reason of any prohibition contained, in or matter or thing arising under subsection (1).

(4) No person, not being a scheduled undertaking, who immediately before the commencement of this Act was carrying on any trade or business to which this section applies, and who continues to carry on such trade or business under subsection (2|), shall be entitled to compensation for any loss of profits or damage arising from the prohibition against expansion constrained in the proviso to that subsection otherwise howsoever under subsection.

(5) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

Section 28 of Cap. 363 which it is proposed to delete -

Penalty

28.(1) Any person guilty of an offence under this Act or any regulations made thereunder shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both and on a second or subsequent conviction to a fine not exceeding ten thousand shillings or to imprisonment or a term not exceeding one year or both.

(2) The court may in addition to any other penalty imposed under subsection (1) order that any permit licence in possession of the convicted person relative to any matter in connection with trade in livestock or meat be cancelled and that such convicted person be debarred from obtaining any further licence or permit for such period as the court may specify and the court may further order the confiscation of any livestock, meat or vehicle used in the commission of the offence.

(3) Where any offence under this Act or any regulations made thereunder is committed by a company, firm or other association of individuals, every person who at the time of the offence was director, manager, secretary or other similar officer of such company, firm or association, or who was at the time concerned in or purposed to act in the management of its affairs, shall be severally liable to prosecution and punishment in like manner as if he had himself committed the offence, unless he proves that he took all responsible steps to prevent its commission.

(4) All offences under this Act and regulations made thereunder shall be cognisable to the police.

Paragraph (a) of section 20 of Cap.359 which it is proposed to delete-

20. The Minister may make rules generally for the purposes of improving the quality of hides, skins, leather and leather goods produced, prepared or sold in, or exported form Kenya, and without prejudice to the generality of the foregoing, for all or of the following purposes-

(a) prescribing the method and forms of application for, the conditions to be attached to, and the fee to be paid for license or certificate to be issued under this Act;

The long title to the Cap 361 which it is proposed to repeal-

An Act of Parliament to provide for the advancement and control of the pig industry.

Section 8 of Cap. 363 which it is proposed to delete-

8. (1) Subject to this Act no person other than the Commission, shall-

(a) erect, establish or operate any abattoir, meat works, cold storage concern or refrigerating works for the purpose of slaughtering cattle and small stock, processing by-products thereof and chilling, freezing, canning or storing beef, mutton or other meat foods (excluding poultry), either for export or for consumption within Kenya, except under and in accordance with a licence which may be granted by the Minister, after consultation with the Commission, subject to such terms and conditions as the Minister may impose:

Provided that nothing in this section shall apply to any cold storage concern or refrigerating works having a capacity of less than five thousand cubic feet;

(b) export or supply to ships in the port of Mombasa fresh,

chilled, frozen or canned beef, mutton or other meat foods (excluding poultry) except under and in accordance with a licence granted by the Commission subject to such terms and conditions as the Commission may impose.

(2) Nothing in this section shall preclude any person who immediately before the commencement of this Act was carrying on any trade or business mentioned in this section from continuing to carry on such trade or business:

Provided that no such trade or business shall be expanded beyond the capacity of the plant and machinery used in connexion with such trade or business immediately before the commencement of this Act except under and in accordance with a licence granted by the Minister after consultation with the Commission, and such licence may be subject to such terms and conditions as the Minister may think fit to impose.

(3) Except as provided in section 19, no person shall be entitled to compensation or damages by reason of any prohibition contained in, or other matter or thing arising under subsection (1).

(4) No person, not being a scheduled undertaking, who immediately before the commencement of this Act was carrying on any trade or business to which this section applies, and who continues to carry on such trade or business under subsection (2), shall be entitled to compensation for any loss of profits or damage arising from the prohibition against expansion contained in the proviso to 'that subsection or otherwise howsoever under that subsection.

(5) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

Section 4 of Cap. 366 which it is proposed to amend-

4.(1) No person shall be qualified o be registered under this Act unless-

(a) he holds a degree in veterinary science of a university in Kenya approved by the Board;

(b) he holds a degree in veterinary science of any other university approved by the Board;

(c) he holds a degree, diploma or other qualification in veterinary science and has satisfied the Board by examination that his professional knowledge and skill are equivalent to those of persons registrable under paragraph (a) or (b);

(2) Whenever the Board is satisfied that it is in the public interest so

to do, ft may, in its discretion and on payment of the prescribed fee, grant a temporary registration to any person who holds a veterinary qualification which would entitle him to ' practise veterinary surgery in the country in which it was awarded.

(3) A temporary registration certificate shall be in the prescribed form and shall be granted subject to such conditions, including restriction on the area in which die veterinary surgeon may practise, and for such period as the Board thinks fit and the Board may, subject to section 19, cancel the licence.

(4) The Board may at any time cancel, approval if it is of the opinion that any deg or other qualification approved by it under f graph (a) of subsection (1) and subsection (2) longer of a satisfactory standard: Provided that the cancellation under this1 section shall not invalidate the-registration of person who had been registered prior to the cancellation.

(5) Every registered veterinary surgeon shall pay annually to she Board such a sum of money as the Board may by notice in the Gazette determine.

Section 2 of Cap. 494 which it is proposed to amend-

"hotel manager's licence" means a licence to exercise overall control over the day-to-day operations of a hotel;

Section 4 of Cap. 494 which it is proposed to amend-

Licences required.

4. (1) After the appointed day -

(a) no premises shall be used or kept as a hotel unless there is in force a valid hotel licence in respect of such hotel;

(b) no person shall exercise overall control over the day-to-day operation of a hotel, whether he is the owner or the manager of such hotel, unless he is the holder of a hotel manager's licence;

(c) no premises shall be used or kept as a restaurant unless there is in force a valid restaurant licence in respect of such premises.

(d) no person shall exercise over all control over the day-to-day operation of a restaurant, whether he is the owner of the manager of the restaurant, unless he is the holder of a restaurant.

(3) In the event of any contravention-

(a) of paragraph (a) or (c) of subsection (1), the owner, and manager (if any) of the premises concerned;

(b)of paragraph (b) of subsection (1), the person concerned,

shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

Section 5 of Cap. 494 which it is proposed to amend-

(7) The Authority shall grant a hotel manager's licence unless it is satisfied that the applicant is not a fit and proper person to manage a hotel

Subsection (3) section 6 of Cap. 494 which it is proposed to amend-

6(3) Where hotels have been classified by regulations under section 29, a hotel manger's licence shall state the class of hotel which the licensee is licensed to manage.

The long title to Cap.502 which Act it s proposed to repeal-

An Act of Parliament to make provision for the control of the importation and exportation of goods of any description and of supplies essential to the life or well-being of the community: and for connected purposes.

The long title to Cap.497 which Act it is proposed to repeal-

An Act of Parliament to provide for the licensing of certain trades and business.

The long title to Cap.498 which Act it is proposed to repeal-

An Act of Parliament to provide for the issue of the stock trader's licences.

Subsection (4) of section 3 of Cap.527 which it is proposed to amend-

(4) Every licence granted under this Act shall expire on the 31st

December next following its issue.

Section 95 of No. 8 of 1999 which it is proposed to amend-

Application for registration of pesticides and toxic substances.

95. (1) Subject to the provisions of this Act or any other written law applicable in Kenya, any person who intends to manufacture, import or process a new pesticide or toxic substance or who intends to reprocess an existing pesticide or toxic substance for a significantly new use, must apply to the Authority for the registration of the pesticide or toxic substance, before importing, manufacturing, processing or reprocessing such pesticides or toxic substance.

(2) The application referred to in subsection (1) shall include the name, trade mark, and the molecular structure, proposed categories of use, an estimate of the quality of the pesticides or toxic substances and any data related to health and other environmental effects therefor that the Authority may require.

Section 96 of No.8 of 1999 which it is proposed to delete –

Application for registration of existing operations involving pesticides and toxic substance.

96. Any person who, being in Kenya, has been manufacturing, importing or processing a pesticide or toxic substance, before the coming into force of this Act, shall apply to the Authority for registration of such pesticide or toxic substance within one year after the commencement of this Act.

Section 106 of No. 8 of 1999 which it is proposed to amend-

Offences relating to ionizing radiation.

106(1) A person who imports, processes, mines, exports, posses, transports, uses or disposes radioactive materials or other source of dangerous ionizing radiation without a licence issued under this Act or regulation made thereunder, shall be guilty of an offence and liable upon conviction to a fine of not less than five hundred and fifty thousand shillings or to imprisonment for a term of not less than two years or to both such fine and imprisonment.

(2)In addition to the penalties provided in subsection (1) of this section, the radioactive material or other source of dangerous ionizing radiation may be seized, impounded, destroyed or disposed of in such a manner as the Court may consider necessary to protect the public or the environment or may only be returned to the owner by order of the Court and under any other conditions set out in the licence issued by the Authority.

Paragraph (g) of section 18 of No. 9 of 2001 which it is proposed to delete –

(g) an auctioneer's licence authorizing the holder to conduct the business of an auctioneer.